



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: STRAUVEN, Yvan

Serial Number: 09/936,531

Art Unit: 1746

Filed: September 11, 2001

Examiner: Crepeau, Jonathan

For: Alloy Powder for Alkaline Batteries .....

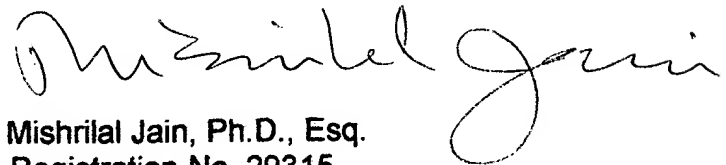
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

**LETTER**

In compliance with the Decision mailed November 3, 2005, applicant herewith provides a submission as required under 37 CFR 1.114. It is noted that a Request for Continued Examination (RCE) has already been filed and the required fees paid.

Examination on the merits is now earnestly requested.

Respectfully submitted,



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December 2, 2005

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**SUBMISSION**

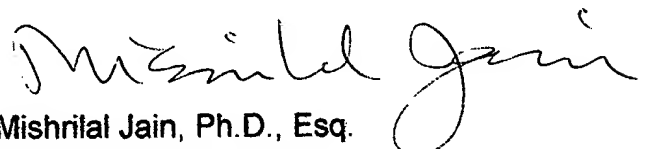
Claims 1-17, pending in the application, were rejected under 35 USC 103 over WO94/19502 in view of JP 1-52379. In traversing this rejection applicant submitted arguments setting forth the reasons why this rejection is not sustainable. In response to submitted arguments, it was indicated at page 4 of the Office action mailed October 14, 2004 that "The Examiner would look favorably upon results showing an unexpected improvement in the claimed compositions made by the claimed method, as opposed to similar compositions also made by the claimed method." Accordingly, applicant made a comparative study, which is presented in the Declaration submitted herewith and made a part hereof.

The declaration describes experiments on alloys taken from WO'502 and JP'379, which were made using the classical gas atomisation process, and the centrifugal atomisation process, both with a protective atmosphere. For the alloys of the prior art, it is shown that there is no improvement in gassing when centrifugal atomisation in protective atmosphere is applied, contrary to the surprising improvement shown for the alloys according to the instant invention consistent with the data presented in Table 1 of the specification.

The additional tests presented in the submitted Declaration meet the request of the Examiner to prove that only the alloys of the invention, prepared by the process of the invention, show the improvement of gassing results. The data indicate that there is synergy between alloys and process of the present invention, and even if the prior art suggests to make similar alloys on the one hand, and to perform a similar process on the other hand, the applicant is the first to discover that the combination of certain alloys with the centrifugal atomisation process in a protective atmosphere leads to improved characteristics when the alloys are used in alkaline batteries.

In view of the definitive and unexpected results presented in the Declaration, the outstanding rejection should now be withdrawn. Favorable action is accordingly earnestly solicited.

Respectfully submitted,

  
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